

06/01/04

Buchsbaum 1999-0131

DAC
##11

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

RECEIVED

JUN 03 2004

OFFICE OF PETITIONS

Inventor(s) Adam Louis Buchsbaum et al.

Case 1999-0131

Conf. No. 1485

Serial No. 09/643,580

Group Art Unit 2155

Filing Date August 22, 2000

Examiner Khanh Q. Dinh

Title Graph Algorithm for Common Neighborhood Analysis

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

SIR:

PETITION UNDER 37 CFR 1.47(a)

Refusal of Joint Inventor to Join in Application

Applicants hereby file this Petition regarding the nonsigning inventor, Raffaele Giancarlo, of the above-identified application. Accompanying this petition are the following:

1) Pertinent facts in support of this Petition:

a) The above-cited application has received a Notice of Allowance dated December 15, 2003 (attachment 1);

01/01/04 ALEXANDRIA 00000000 05542555

01/01/04 00000000 05542555

BEST AVAILABLE COPY

b) A continuation of this application was filed on December 3, 2003 (attachment 2);

c) Subsequent to the filing of the continuation application, a support staff individual within AT&T's Patent Department discovered that Inventor Giancarlo had not executed the required Declaration for the allowed parent application (the parent application being Serial No. 09/643,580, the subject of this Petition), and called the attorney of record to report the problem;

d) Inventor Giancarlo had been hired as a "contractor" by AT&T during the time this invention was made, but had since returned to Italy, the updated contact information being written into his "inventor information" sheet by the support staff individual (attachment 4);

e) The status of this contact information was confirmed by Mr. John Etchells of the AT&T Patent staff on 10 February 2004 (attachment 5);

f) The attorney record transmitted an email to Inventor Giancarlo on 19 February 2004, requesting updated postal address information for inclusion in the Declaration document (attachment 6), the email was successfully transmitted, but no reply was forthcoming from Inventor Giancarlo;

g) A subsequent email was re-sent by the attorney of record to Inventor Giancarlo on 22 April 2004 (attachment 7), the email was again successfully transmitted, but no reply was forthcoming from Inventor Giancarlo; and

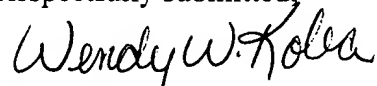
h) applicants aver that the inability to have Inventor Giancarlo contact applicants by email has made it impossible to reach Inventor Giancarlo, or present him with any papers for execution. All attempts have proved futile. Applicants consider this sequence of events as sufficient proof that the non-signing inventor cannot be reached.

2) Fee: A check in the amount of \$130.00, to cover the fee for this Petition to the Commissioner as set forth in 37 CFR § 1.17(h); and

3) Last known postal address: The last known postal address for Inventor Giancarlo was his New York address used during the tenure of his contract period with AT&T (attachment 7):

Raffaele Giancarlo
235 West 22nd Street, Apt. 5G
New York, NY 10011

Respectfully submitted,



Wendy W. Koba
Attorney for applicants
Reg. No. 30509
610-346-7112

Date: 5/28/04

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PTO/SB/21 (02-04)

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OFFICE OF PETITIONS**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number

09/643,580

Filing Date

August 22, 2000

First Named Inventor

A. L. Buchsbaum

Art Unit

2155

Examiner Name

Khanh Q. Dinh

Attorney Docket Number

1999-0131

Total Number of Pages in This Submission

ENCLOSURES

(Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Response to Missing Parts/
Incomplete ApplicationResponse to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

Remarks

After Allowance communication
to GroupAppeal Communication to Board
of Appeals and InterferencesAppeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please
Identify below):Express mail certificate of
mailing
Emulated Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**Firm
or
Individual name

Wendy W. Koba

Signature

Wendy W. Koba

Date

5/20/04

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name

Wendy W. Koba

Signature

Wendy W. Koba

Date

5/20/04

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 130.00)

Complete if Known

Application Number	09/643,580
Filing Date	August 22, 2000
First Named Inventor	A.L. Buchsbaum
Examiner Name	Khanh Q. Dinh
Art Unit	2155
Attorney Docket No.	1999-0131

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	110	2251	55	Extension for reply within first month
1252	420	2252	210	Extension for reply within second month
1253	950	2253	475	Extension for reply within third month
1254	1,480	2254	740	Extension for reply within fourth month
1255	2,010	2255	1,005	Extension for reply within fifth month
1401	330	2401	165	Notice of Appeal
1402	330	2402	165	Filing a brief in support of an appeal
1403	290	2403	145	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	110	2452	55	Petition to revive - unavoidable
1453	1,330	2453	665	Petition to revive - unintentional
1501	1,330	2501	665	Utility issue fee (or reissue)
1502	480	2502	240	Design issue fee
1503	640	2503	320	Plant issue fee
1460	130	1460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130)

130

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)

Wendy W. Koba

Registration No.

30509

Telephone

610-346-7112

Signature

Wendy W. Koba

Date

5/28/04

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EXPRESS MAIL
CERTIFICATE OF MAILING

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JUN 03 2004
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Patent Application for:

Applicants: A. L. Buchsbaum et al.

Atty. No: 1999-0131

Title: Graph Algorithm for Common
Neighborhood Analysis

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Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

On May 28, 2004

EXPRESS MAIL TRACKING NO. ER 93373 8164

Type or Print name of person signing this certificate: Wendy W. Koba, Esq.

Signature: Wendy W. Koba

Attachment 1

SD *

Drawings Due

AT&T

DEC 17 2003

PREVIOUSLY DOCKETED

PREVIOUSLY ABANDONED

FILED BY 7590 12/15/2003

UNITED STATES DEPARTMENT OF COMMERCE
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JUN 03 2004

NOTICE OF ALLOWANCE AND FEE(S) DUE

OFFICE OF PETITIONS

EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/15/2003



S H Dworetsky
AT & T Corporation
P O Box 4110
Middletown, NJ 07748

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,580	08/22/2000	Adam Louis Buchsbaum	1999-0131	1485

TITLE OF INVENTION: GRAPH ALGORITHM FOR COMMON NEIGHBORHOOD ANALYSIS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$0	\$1330	03/15/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

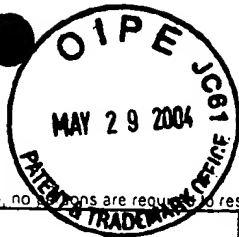
B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



PTO/SB/05 (06-03)

Approved for use through 07/31/2003 OMB 0551-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY
PATENT APPLICATION
TRANSMITTAL

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.	1999-0131CON
First Inventor	Buchsbaum
Title	Graph Algorithm for Common Neighborhood Analysis
Express Mail Label No.	ER403214200US

APPLICATION ELEMENTS

See MPEP Chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
 Submit an original and a duplicate for fee processing
☐ Applicant claims small entity status
☒ See 37 CFR 1.27
 Specification (Total Pages 38)
 Preferred arrangement set forth below:
 Descriptive title of the invention
 Cross Reference to Related Applications
 Statement Regarding Fed sponsored R & D
 Reference to sequence listing, a table,
 or a computer program listing appendix
 Background of the Invention
 Brief Summary of the Invention
 Brief Description of the Drawings (if filed)
 Detailed Description
 Claims
 Abstract of the Disclosure
- ☒ Drawings (35 U.S.C. 113) (Total Sheets 14) **Formal**
☐ Oath or Declaration (Total Sheets)
☐ Newly executed (original or copy)
☒ Copy from a prior application (37 CFR 1.63(d))
 for continuation/divisional with Box 18 completed
- ☐ DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.53(d)(2) and 1.33(b)
- ☐ Application Data Sheet See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or
 Computer Program (Appendix)
 8. Nucleotide and/or Amino Acid Sequence Submission
 (if applicable, all necessary)
 a. ☐ Computer Reader Form (CRF)
 b. Specification Sequence Listing on
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☐ Paper
 c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
 10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney
 (when there is an assignee)
 11. ☐ English Translation Document (if applicable)
 12. ☒ Information Disclosure Statement (IDS)/PTO-1449
☐ Copies of IDS Citations
 13. ☒ Preliminary Amendment
 14. ☒ Return Receipt Postcard (MPEP 503) (2)
 (Should be specifically itemized)
 15. ☐ Certified Copy of Priority Document(s)
 (if foreign priority is claimed)
 16. ☒ Nonpublication Request under 35 U.S.C. 122
 (b)(2)(B)(i). Applicant must attach form PTO/SB/35
 or its equivalent.
 17. ☒ Other: check

If CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the
 specification following the title, or in an Application Data Sheet under 37 CFR 1.76:
☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/043,580

 Application Information Examiner: K. Dinh Art Unit: 2155
 CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box
 18, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.
 The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

Customer Number

OR ☒ Correspondence address belowMr. S.H. DworketskyAt&T Corp.PO Box 4110MiddletownUnited States of America

State

NJ

Zip Code

07748

Telephone

Fax

Name (Print/Type)

Wendy W. Koba

Registration No. (Attorney/Agent)

30509

Signature

Wendy W. Koba

Date

12/23/03
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ER403214200US

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Name: %Giancarlo, Raffaele
 Tel: +1 973 360-8185 Internet Email (@): raffaele
 Fax:
 Cell: Handle: rgiancarlo
 Addr: NJ0644 D281
 180 PARK AVE, P.O. BOX 971
 FLORHAM PARK, NJ 07932-0000 United States
 Human Resrc ID: 7387434
 Job Title: (PROFESSOR)
 Organization: HA1630000
 Business Group: AL (AT&T LABS)
 Bus. Subgroup: ALABS (AT&T LABS)
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Contractor:

Italy
Phone: 011-39-91-6040422

Fax: 011-39-91-6165425

Raffaele @ altair.math.unipa.it

Attachment 5

Net@address Mail By USA.NET

Folder: AT%26T

Message 7 of 33 (OLD)

<	>	Delete	Reply	Reply All	Forward	as Attachment
Move To:		Trash				

Date: Tue, 10 Feb 2004 10:47:07 AM EST

From: "Etchells, John E -
LGCRP" <jetchells@att.com>

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NEW

To: "Wendy Koba (E-mail)" <wendykoba@usa.net>

Subject: Raffaele Giancarlo

Allow Subject

NEW

More Details

Print Preview

Wendy,

Here he is!

John

<http://altair.math.unipa.it/CSG/raffaele/>

<	>	Delete	Reply	Reply All	Forward	as Attachment
Move To:		Trash				

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Wendy W. Koba

Attachment 6

To: raffaele@altair.math.unipa.it
Subject: AT&T Ref. Buchsbaum 1999-0131

Mr. Giancarlo,

I am an outside counsel patent attorney for AT&T now assigned to the above-identified application which has now been allowed.

It has come to my attention that you never signed off on the Declaration and Power of Attorney document and the Assignment and Agreement Document.

Could you please email me your current home address and country of citizenship, so I can prepare the documents for your signature. The Notice of Allowance and Fee(s) due have a due date of March 15, 2004.

Your prompt response to this matter will be appreciated.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Wendy W. Koba
PO Box 556
Springtown, PA 18081 USA
610-346-7112 (voice)
610-346-8189 (fax)

sent 2/19/04

Attachment 7

Net@ddress[®] By USA.NET[®]

Folder: Sent

Message 19 of 32 (OLD)

<	>	Delete	Reply	Reply All	Forward	as Attachment
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Date: Thu, 22 Apr 2004 01:04:59 PM EDT

From: Wendy Koba <wendykoba@usa.net>

[Add to Address Book](#)[Block Sender](#)[Allow Sender](#)

NEW

To: <raffaele@altair.math.unipa.it>

Subject: AT&T Ref. Buchsbaum 1999-0131 and Buchsbaum 1999-0131CON

NEW

[More Details](#)[Print Preview](#)

Mr. Giancarlo,

I am an outside counsel patent attorney for AT&T now assigned to the above-identified applications.

It has come to my attention that you never signed off on the Declaration and Power of Attorney document and the Assignment and Agreement document.

Could you please email me your current home address and country of citizenship so I can prepare the documents for your signature. Buchsbaum 1999-0131 has been allowed and fees paid back in March.

Buchsbaum 1999-0131CON is a continuation application and has received a Notice to file missing parts, requiring your signature on the declaration and assignment, with a response due date by June 6, 2004.

Your prompt attention to this matter will be greatly appreciated.

Please note, this is the second attempt at contacting you.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Wendy W. Koba
PO Box 556
Springtown, PA 18081 USA
610-346-7112 (voice)
610-346-8189

<	>	Delete	Reply	Reply All	Forward	as Attachment
Move To:		Trash				

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